

Application Serial No.: 09/965,180  
Amendment and Response to July 18, 2005 Final Office Action

**R E M A R K S**

Claims 1-26 are in the application. Claims 1, 8, 13, 17, and 23-26 are currently amended and claims 2-7, 9-12, 14-16, and 18-22 remain unchanged from the original versions thereof. Claims 1, 8, 17, and 23-26 are the independent claims herein.

No new matter is added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

**Claim Rejections -- 35 USC § 102(e)**

The Office Action maintains the rejection under 35 USC 102(e). In particular, claims 1-26 were rejected as being anticipated by Zhu et al., U.S. Patent No. 6,567,813 (hereinafter, Zhu). This rejection is respectfully traversed.

Applicant's arguments of record are incorporated herein.

Independent claims 1, 8, 13, 17, and 23-26 have been amended to clarify that which is claimed by Applicant. For example, claim 1 relates to a method for allowing a stand-by server to operate as a replacement for a main server, including establishing a connection with at least one client connection device by the stand-by server, wherein the stand-by server operates as a replacement for the main server. That is, the stand-by server takes the place of or replaces the main server. Claims 8, 13, 17, and 23-26 are currently amended to also state, in a manner similar to claim 1, that the stand-by server operates as a replacement for the main server.

Support for the currently submitted claim amendments may be found in the specification at least at paragraphs [0006], [0007], [0054], and [0082]. For example, regarding a switchover from a main server to a stand-by server, the specification states that the main server and the standby server "may act as peers of each other or in a master/slave relationship (albeit with changing roles)." (See paragraph [0062], ln 7-10)

Application Serial No.: 09/965,180  
Amendment and Response to July 18, 2005 Final Office Action

Thus, it should be clear that the specification supports the currently submitted claim amendments stating the stand-by server operates a replacement for the main server.

Regarding the cited and relied upon Zhu reference, Applicant respectfully submits that Zhu does not disclose each and every element configured as stated in claim 1. In particular, Zhu does not appear to disclose a method including a stand-by server detecting lack of a signal initiated by a main server that is indicative of availability of the main server, wherein the stand-by server operates as a replacement for the main server. Zhu discloses a number of CB (collaboration) servers 380 $n$  (where  $n=A, B, C, \dots$ ) and a meeting manager 350 where one CB server may be used in the instance another of the CB servers fail. That is, one CB server replaces another CB server. However, Zhu also discloses a meeting manager 350 that attempts to contact a CB server 380 $n$  and if no response is received within a predefined time limit, meeting manager 350 determines that CB server 380 $n$  has failed." (See Zhu, col. 8, ln. 44-52) That is, the meeting manager 350 detects a lack of a signal initiated by a CB server.

Furthermore, Zhu does not disclose any one of the CB servers 380 $n$  (that operates as a replacement for a failed CB server 380 $n$ ) detecting the lack of a signal initiated by the failed CB server. Nor does Zhu disclose the meeting manager operating as a replacement for a CB server. Accordingly, Zhu discloses (1) a CB server replaces another CB server, and (2) a meeting manager that detects a lack of a response (i.e., signal) from a CB server. The function of detecting the response or the lack of a response from a CB server is explicitly disclosed as being performed by the meeting manager 350, not another one of the CB servers.

Moreover, there is no suggestion by Zhu that a CB server therein that replaces another CB server also detects a lack of a signal from the CB server being replaced. In fact, the explicit disclosure of Zhu appears to teach away from a CB server detecting the lack of a response from another CB server. This is true since the meeting manager 350 is described as fully and completely providing such functionality.

Application Serial No.: 09/965,180  
Amendment and Response to July 18, 2005 Final Office Action

Further, and in reply to the "Response to Arguments" section of the pending Office Action, Applicant respectfully submits that even if the Zhu disclosed meeting manager were interpreted as a server, the meeting manger is not the same as the claimed stand-by server since the meeting manager dose not, at least, operate as a replacement for the main server (e.g., CB<sub>a</sub>). Again, Zhu clearly discloses one CB server (e.g. CB<sub>b</sub>) replacing another CB server (CB<sub>a</sub>) whereas the meeting manager provides other functionality (e.g., detecting response signals from the CB<sub>n</sub> servers) that is distinct from the disclosed functionality provided by the CB servers. Thus, the meeting manager is not the same or suggestive of the claimed stand-by that operates as a replacement for the main server.

Accordingly, Applicant respectfully submits that Zhu does not anticipate claim 1 under 35 USC 102(e) for at least the reasons stated hereinabove. Claims 2-7 depend from claim 1. It is respectfully submitted that claims 2-7 are patentable over Zhu under 35 USC 102(e) for at least the same reasons provided above regarding claim 1.

Claims 8, 13, 17 and 23-26 are amended similar to claim 1, as discussed in detail above and as indicated in the listing of claim amendments submitted herewith. Accordingly, Applicant respectfully submits that Zhu does not anticipate claims 8, 13, 17, and 23-26 under 35 USC 102(e) for at least the reasons stated hereinabove regarding claim 1. Further, claims 9-12, 14-16, and 18-22 depend from claims 8, 13, and 17, respectively. Therefore, it is respectfully submitted that claims 8-26 are patentable over Zhu under 35 USC 102(e) for at least the same reasons provided above regarding claim 1.

Application Serial No.: 09/965,180  
Amendment and Response to July 18, 2005 Final Office Action

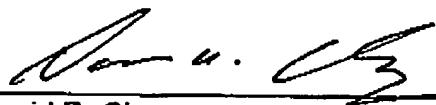
CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,

15 Sept 05, 2005

Date



David D. Chung  
Attorney for Applicant  
Registration No. 38,409  
(650) 694-5339

SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830

Attn: Elsa Keller, Legal Department  
Telephone: 732-321-3026